

**REMARKS**

Claims 1-38 are all the claims pending in the application.

Initially, the Examiner is respectfully requested to acknowledge Applicants' claim to domestic priority and to confirm receipt of the verified English translations filed on January 9, 2001 and November 14, 2000 in Provisional Application Nos. 60/216,517 and 60/216,519, respectively. Copies of the verified English translations are submitted herewith.

In addition, the Examiner is respectfully requested to indicated whether the drawings filed on September 4, 2001 are acceptable.

At pages 2-3 of the Office Action, the Examiner has rejected claims 1, 5-7, 11-12, 23, 25 and 26 under 35 U.S.C. § 102(e) as allegedly being anticipated by Ohno et al. (U.S. Patent 6,720,464). In addition, at page 3 of the Office Action, the Examiner has rejected claims 2, 8 and 24 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ohno et al. in view of Landau (U.S. Patent 6,706,089). Further, at pages 3-4 of the Office Action, the Examiner has rejected claims 3, 4, 9 and 10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ohno et al.

Without conceding the merits of the foregoing rejections, it is respectfully submitted that Ohno et al. is not prior art under 35 U.S.C. § 102.

A U.S. patent is considered to be prior art under 35 U.S.C. § 102(e) as of the international filing date or an earlier filing date for which a benefit is properly sought if the International Application designated the United States and was published by the International Bureau in English. Since the International Application was published in English, the earliest possible filing date of Ohno et al. is October 20, 2000, which is the filing date of the provisional

**RESPONSE UNDER 37 C.F.R. § 1.111  
U.S. Application No. 09/822,211**

**Attorney Docket Q60006**

application from which Ohno et al. claims benefit, assuming the provisional application supports the subject matter of Ohno et al.

The earliest possible filing date of Ohno et al. of October 20, 2000 is after the effective filing date of July 6, 2000 for the present application (provisional application nos. 60/216,517 and 60/216,519 were filed on July 6, 2000). It is respectfully submitted that the the provisional applications to support the elements of the present claims, and thus, Ohno et al. does not qualify as a reference under 35 U.S.C. § 102.

In view of the above, withdrawal of the foregoing rejections is respectfully requested.

In conclusion, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

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